REMARKS

The applicants have carefully considered the Office action dated November 28, 2006. In view of the forgoing amendments and the following remarks, it is respectfully submitted that all pending claims are in condition for allowance and favorable reconsideration is respectfully requested.

Claim 1 now recites a method of processing available content comprising, *inter alia*, receiving the available content using one or more tuners, tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate. Claim 1 is similar to previous claim 12 (including intervening dependent claim 6), which has been cancelled).

Claim 12 was rejected as unpatentable over a combination of Hassel (US App. No. 2002/0128685) and Quintos (US 6,829,428). The Office action references paragraph [0094] of Hassel, which states, *inter alia*, that a "user may also choose whether the program guide automatically erases entries from digital storage device 49 once the entries are viewed." The Office action indicates that the Examiner takes official notice that storage capacity can be managed by erasing duplicate (redundant) data.

The applicants respectfully submit that it would not be obvious to modify a combination of Hassel and Quintos to erase a recording of a program that is identified as a duplicate. Hassel states "If [a] ... selection has already been recorded, re-recording is not necessary." (Page 4, Paragraph [0043]). In other words, Hassel does not record a program a second time if it is determined that the program has already been recorded. Based on the combination suggested in the Office action, Hassel and Quintos would additionally include erasing a recording of a program that is identified as a duplicate when a record operation is initiated. Under such a combination, when a duplicate is detected, after processing, no recording of the duplicate will exist (the recorded duplicate will be erased and the program will not be re-recorded). If a proposed modification

would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Accordingly, there is no motivation to modify Hassel and Quintos as alleged in the Office action. Therefore, claim 1 and all claims depending therefrom are in condition for allowance.

In addition, the applicants respectfully request that the examiner provide a citation to the teachings described in the official notice on page 9 of the Office action. The Office action indicates that the motivation to combine the descriptions of the official notice with Hassel and Quintos is based on the end result of the descriptions of the office notice (e.g., managing storage capacity by deleting redundant data). However, designers of digital video recorders are generally concerned with ensuring that media content is kept until it is reviewed by a user. For example, Hassel states: "The user may also choose whether the program guide automatically erases entries from digital storage device 49 once the entries are viewed." Accordingly, while it may be known to erase redundant data on a storage device, a point that the applicants do not concede, it would not be obvious to delete duplicate media content on a digital video recorder (e.g., when duplicates are misidentified, when a first recording was of poor quality, etc.).

Claim 56 recites an apparatus for processing available content comprising, *inter alia*, a control unit for performing a plurality of operations on the available content received from the one or more tuners, wherein the plurality of operations includes: tracking a list of recorded programs for duplicates when a record operation is initiated, and activating a preference to erase a recording of a program that is identified as a duplicate. For at least the reasons described in conjunction with claim 1, claim 56 and all claims depending therefrom are in condition for allowance.

Claim 11 recites a method as defined in claim 1, wherein said performing step includes sending a notification after the duplicate identification, asking the user if any or

all portions of the duplicate program should be erased. Claim 11 is patentable based on its dependence from claim 1 and the forgoing arguments presented in conjunction with claim 1. In addition, the prior art cited in the Office action fails to show sending a notification after the duplicate identification, asking the user if any or all portions of the duplicate program should be erased. Rather, the cited portions of Kanemitsu (US 6,854,127) (cited for claim 11 in the Office action) describe querying a user regarding whether a second recording of program should be inhibited when a double recording is detected. The cited portions of Kanemitsu do not describe or suggest asking a user if a duplicate program stored on the at least one storage medium should be erased.

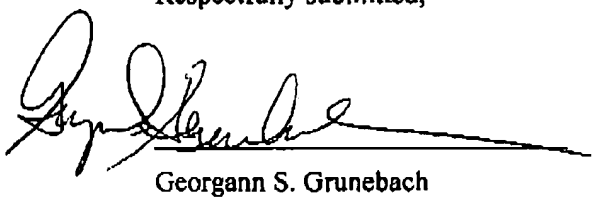
Claim 18 recites a method as defined in claim 1, wherein said performing step includes converting paused programming to recorded programming during a channel change. Claim 18 is patentable based on its dependence from claim 1 and the forgoing arguments presented in conjunction with claim 1. In addition, the prior art cited in the Office action fails to show converting paused programming to recorded programming during a channel change. The Office action does not allege that such a recitation is described in the cited art.

Claim 19 recites a method as defined in claim 18, wherein said performing step includes prompting a user near an end of a pause time window whether permanent recording is desired. The Office action states that the Examiner takes official notice that it is well known to prompt the user for storing data prior to purging data from a buffer. The applicants respectfully request that the examiner provide a citation to a reference that describes such a recitation. While it may be known to store data before purging the data from a buffer, a point which the applicants do not concede, claim 18 recites that the user is prompted to permanently record near an end of a pause time window. In addition, the applicants respectfully submit that the motivation for combining the description of the official notice with the art is derived from the present application (i.e., prompting for

permanent recording to store data before the buffer is modified at the end of the pause time). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Accordingly, the applicants respectfully submit that the rejection of claim 19 is improper.

If, for any reason, the examiner is unable to allow the application in the next Office action, the examiner is encouraged to telephone the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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The DIRECTV Group, Inc.
CA/LA1/A109
P.O. Box 956
2250 E. Imperial Highway
El Segundo, CA 90245
310-964-4615

Georgann S. Grunebach
Reg. No. 33,179
Attorney for Applicant